

and are guided by their desires or they hold the power to replace us and retire us at the ballot box. That is why our Founders gave courts the jurisdiction to apply and interpret the law, not to make the law up as they go along.

We need dedicated public servants who follow the statutes passed by Congress and signed by the President into law, and the Constitution representing the fundamental law of the land, and we need judges to make decisions based on what that law says, not, again, on what their preferred outcome may be.

So as the President approaches these two paths, I hope he will ignore the clamor on the left and make a choice that serves in the best interest of the American people and send us a nominee who respects the law and the limited role of a judge in our political system, because a judge is not supposed to substitute his or her opinion for that of the elected representatives of the people.

And surely the Constitution itself is the fundamental law of the land. And, as Chief Justice Marshall said in *Marbury v. Madison*, the decisions of the Court interpreting that Constitution are the last word.

But what we need is what Chief Justice Roberts called humility; that judges understand their important but limited role under our form of government not to supersede the policy judgments of the elected officials just because they can because they are the last word. We need judges who will demonstrate that sort of humility, who understand that, yes, they have a tough and important job to do but that it is within certain guardrails and limitations about what that role should be.

As the President looks down these two divergent paths, I hope he will ignore the clamor on the left and make a choice that serves the best interest of the American people. And he would do that by choosing a mainstream nominee.

The President promised during his campaign to nominate an African-American woman to the Supreme Court, making that a historic first. As the President weighs his decision, I want to remind him and our Senate colleagues that diversity extends far beyond just gender and skin color. We need a diversity of education, background, and experience.

For example, all of the current Justices on the Court but one were educated at Ivy League colleges and universities. In fact, when Justice Barrett was confirmed, she became the first sitting Justice to attend a law school other than Harvard or Yale. It is true that the current Justices largely hail from coastal metropolitan areas, and one-third of the sitting Justices have previously served on the DC Circuit Court of Appeals.

So I agree that diversity on the highest Court in the land is a valuable asset, and I encourage the President to consider nominees that can bring unique experiences, education, and

viewpoints of all types to the Supreme Court.

Whoever the President chooses will be evaluated based on their qualifications, experience, and ability to separate politics from the rule of law. That is the job of the Senate Judiciary Committee, on which I am proud to serve.

I presume we would treat any nominee—regardless of ethnicity, race, or gender—exactly the same in extending to them a respectful and dignified process. Certainly, no nominee is going to get points, so to speak, toward their confirmation vote because they are of a particular race, ethnicity, or gender. Each nominee will be thoroughly vetted and questioned, just as prior nominees have been.

But unlike some of the mudslinging that we saw during the confirmation of Justice Kavanaugh, I expect this process to be fair and dignified. We must be careful, thorough, and comprehensive because the American people and the institution of the Supreme Court deserve nothing less.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Pursuant to Rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 655, Bridget Meehan Brennan, of Ohio, to be United States District Judge for the Northern District of Ohio.

Charles E. Schumer, Richard J. Durbin, Richard Blumenthal, Gary C. Peters, Robert P. Casey, Jr., Sheldon Whitehouse, Martin Heinrich, Sherrod Brown, Patty Murray, Tammy Duckworth, Tim Kaine, Elizabeth Warren, Mazie Hirono, Alex Padilla, Tina Smith, Christopher A. Coons, Amy Klobuchar, Jon Tester.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Bridget Meehan Brennan, of Ohio, to be United States District Judge for the Northern District of Ohio, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. LUJÁN) and the Senator from Georgia (Mr. OSSOFF), are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator

from Wyoming (Mr. BARRASSO), the Senator from Louisiana (Mr. KENNEDY), the Senator from Kansas (Mr. MORAN), the Senator from Utah (Mr. ROMNEY), the Senator from Florida (Mr. RUBIO), the Senator from Alaska (Mr. SULLIVAN), and the Senator from North Carolina (Mr. TILLIS).

The yeas and nays resulted—yeas 61, nays 30, as follows:

[Rollcall Vote No. 12 Ex.]

YEAS—61

Baldwin	Hassan	Reed
Bennet	Heinrich	Rosen
Blumenthal	Hickenlooper	Rounds
Booker	Hirono	Sanders
Brown	Hyde-Smith	Schatz
Burr	Kaine	Schumer
Cantwell	Kelly	Shaheen
Capito	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Collins	Markey	Van Hollen
Coons	McConnell	Warner
Cornyn	Menendez	Warnock
Cortez Masto	Merkley	Warren
Duckworth	Murkowski	Whitehouse
Durbin	Murphy	Wicker
Feinstein	Murray	Wyden
Gillibrand	Padilla	Young
Graham	Peters	
Grassley	Portman	

NAYS—30

Blackburn	Ernst	Marshall
Blunt	Fischer	Paul
Boozman	Hagerty	Risch
Braun	Hawley	Sasse
Cassidy	Hoeven	Scott (FL)
Cotton	Inhofe	Scott (SC)
Cramer	Johnson	Shelby
Crapo	Lankford	Thune
Cruz	Lee	Toomey
Daines	Lummis	Tuberville

NOT VOTING—9

Barrasso	Moran	Rubio
Kennedy	Ossoff	Sullivan
Luján	Romney	Tillis

The PRESIDING OFFICER (Mr. HEINRICH). On this vote, the yeas are 61, the nays are 30.

The motion is agreed to.

The PRESIDING OFFICER. The Senator from Oregon.

BURMA

Mr. MERKLEY. Mr. President, when freedom and democracy are threatened, we have a responsibility in this body of the U.S. Senate to speak up and speak out. It doesn't matter if it is a challenge here at home or if it is happening somewhere else around the globe; we cannot remain silent.

For the past year, Burma has been descending into chaos, violence, and authoritarian military rule. So I have come to the floor here tonight, the anniversary of the Burmese military's illegal coup overthrowing the nation's democratically elected government, to call on all of my colleagues to join me in passing S. Res. 35, a resolution condemning this desecration of democracy in Burma and a year of atrocities that have followed, and urging our allies around the world to join us in doing so.

I also urge this body to pass the BURMA Act, which will give President Biden the tools he needs to apply pressure to try to reverse this coup and help restore democracy.

For those who are not aware of the situation in Burma, a year ago, the

people of Burma took to the streets. They engaged in general strikes to peacefully protest the military's overthrow of their fledgling democracy. One woman who was part of the General Strike Committee—one of the main groups behind the protests—said she was participating because "I have a little girl. She's one . . . I don't want her to grow up under a dictatorship like I did."

Before taking to the streets, she told her husband: "Take care of our baby and move on with life if I get arrested or die in this movement."

And she finished by saying: "We will finish this revolution on our own and not hand it over to our children."

Early last year, the country's Parliament was expected to sign off on the recent national elections in which the leading civilian party, the National League for Democracy, and its head, Aung San Suu Kyi, had won more than 80 percent of the seats that were available.

The Burmese military was never under civilian control, and it wasn't happy with these overwhelming results—these results for the National League for Democracy. They had been deluded into thinking and believing that the people of Burma supported their military policies, and so they would support a strong military role in Parliament, which the people of Burma did not.

Thus, the military leaders refused to recognize the outcome of the election. They tried to have the country's supreme court throw out the results as fraudulent. And when that didn't work, they declared a national emergency and surrounded Parliament with soldiers.

Aung San Suu Kyi and other civilian leaders were arrested, the nation's infrastructure was seized by the military, and, almost overnight, Burma's decade-long experiment with democracy, as imperfect as it was, was thrown out the window, and the kind of brutal military rule that had governed the country for roughly half a century was reinstated.

The initial reaction from the new military junta seemed restrained. The protests were allowed to go on peacefully, but only for a little while. The restraint didn't last long.

The military leaders who had been leading a brutal, yearlong genocide against the country's Rohingya Muslim minority turned to violence. They turned to violence, as they had done in 1988 and as they had done in 2007, to crush the protests.

One local filmmaker in Yangon, who took it upon himself to document the protests, said that at one protest in late February, "about 100 people marched towards us quickly. I don't know if they were police or they were soldiers. Without warning, they started shooting at us with sound bombs, [with] bullets and [with] gas bombs."

Since then, the military's violence has escalated. They have fired rocket

launchers, burned down homes, launched airstrikes, cut off food supplies to starve entire communities, and shot at unarmed civilians as they fled.

Just last week, there was a report that members of the military went to one village looking for two specific individuals, one of whom was disabled. After shooting and killing these two individuals, they set fire to the entire village.

According to one organization monitoring the situation, nearly 1,500 Burmese citizens have been killed since this coup began a year ago; another 12,000 arrested; with warrants issued—often death warrants issued in absentia—for another 2,000 or so. Those are just the numbers that can be verified, and who knows what the total amount is.

For the Rohingya people, a Muslim population in a largely Buddhist country, the situation has only grown worse. They have been the target of military oppression and genocide. Hundreds of thousands have fled across the border. But the military has continued to crack down even more on the Rohingya population in Rakhine State—a state I visited a few years ago, leading a delegation of Senators and House Members, after the horrific genocide, when some 700,000 people fled, villages were fire-bombed from the air, and helicopters carrying soldiers shot from the air. On the ground, babies were killed in front of their parents, wives were killed in front of their husbands, husbands were killed in front of their wives, and women were raped. It was one of the most horrific genocides in hundreds of villages that occurred at that moment.

But the military now, in spite of all that happened then, is enacting new draconian restrictions on freedom of movement of the Rohingya that remain in Rakhine State. They have engaged in continuous intimidation efforts. They have warned of the dangers of collaborating with rogue groups resisting the military's authority.

Colleagues, the Senate cannot stay quiet in the denial of freedom and the presence of massive human rights violations in Burma. America cannot stay silent in the face of such atrocities. The world must not stay silent in the face of genocide being carried out against any group of human beings.

We must make it undeniably clear to any government around the world that when you systematically persecute your people; when you deny their human rights; when you murder innocent men, women, and children; when you burn down their homes and their communities; when you starve them of food, deny them the opportunity to earn a living or even travel to the next community to see a doctor, there are consequences; that a community of nations will not stand by idly as you commit these horrendous acts; and that we in the Senate will not sit by and fail to give voice about these atrocities.

So for the sake of all the Burmese people who have lost their lives in this coup, for the sake of all those striving to restore democracy, let us pass S. Res. 35, and let us do it this week—"A resolution condemning the military coup that took place on February 1, 2021, in Burma and the Burmese military's detention of civilian leaders, calling for an immediate and unconditional release of all those detained and for those elected to serve in parliament to resume their duties without impediment."

Let's pass that resolution, and let's do it this week, the 1-year anniversary of the coup. And let us work with our allies around the globe to restore freedom in Burma and hold the perpetrators of these atrocities accountable for the crimes that they have committed.

CHINA

Mr. President, this is not only the anniversary of the military coup in Burma; it is also the week of the start of the Winter Olympic Games in China. On this Friday, February 4, the torch will be lit, signaling the start of the 2022 Winter Olympic Games, and millions around the world will gather around TVs and smartphones and computers and iPads and every kind of device to watch the spectacle of the opening ceremonies as they unfold in Beijing. For 2 weeks, the audience will cheer as athletes from across the globe achieve the near impossible and join in the sorrow of defeat and the joy of victory.

But while the world's attention focuses on the glamour of the Games, a thousand miles away in Xinjiang Province, millions of Uighurs will continue to suffer from acts of genocide; the people of Hong Kong will still be denied their rights and their freedoms; and untold numbers of political prisoners will languish behind bars in China, many for nothing more than exercising the most basic voice they have as human beings.

Colleagues, we cannot allow the glitz and glamour of Olympic Gold and glory to blind us to the reality of the pain and persecution that so many are suffering under the Chinese Communist Party's authoritarian control—people like Mahire Yakup, an insurance saleswoman, a Mandarin tutor, the mother of three, who is currently serving a 6½-year sentence for "funding terrorist activities." That sounds terrible. What has this mother of three done? What did she do? She sent money overseas to Australia to help her parents buy a house.

Since first being taken into custody in March of 2018, Mahire has languished in detention. First, she was taken to a mass internment camp. Then she was moved to a pretrial detention center. She was released twice and taken back into custody twice before being sentenced in December of 2020 to 6½ years behind bars for the crime of helping her parents buy a house. But the whole world knows her real crime and why she is behind bars is she was born in the Uighur minority community.